

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Albert Harden, #315816,)	
)	C/A No.: 8:07-0009-MBS
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of Corrections;)	O R D E R
Kirkland Correctional Institution–R&E;)	
Reed Strickland, Lieutenant-Officer at)	
Kirkland Correctional Institution;)	
)	
Defendant.)	
)	

Plaintiff Albert Harden is an inmate in custody of the South Carolina Department of Corrections who currently is confined at the Kershaw Correctional Institution in Kershaw, South Carolina. At the time of the underlying events Plaintiff was housed at the Kirkland Reception and Evaluation Center (“Kirkland R&E”) in Columbia, South Carolina. Plaintiff, appearing pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging that he was denied proper medical care while he was incarcerated at Kirkland R&E.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act. The Magistrate Judge also issued an order on January 9, 2007, ordering Plaintiff to complete Special Interrogatories. On January 31, 2007, the Magistrate Judge filed a Report and Recommendation in which she determined, among other things, that Plaintiff has failed to exhaust his administrative remedies. Accordingly, the Magistrate Judge recommended that the action be dismissed without prejudice and without issuance and service of process. Plaintiff filed

no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 27, 2007.

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.